

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

DONALD L. PALMER,

Case No. 1-:00-CV-882

Petitioner,

-vs-

Judge Thomas M. Rose

MARGARET A. BAGLEY, Warden,

Chief Magistrate Judge Michael R. Merz

Respondent.

DECISION AND ORDER OVERRULING DONALD L. PALMER'S OBJECTIONS (Doc. #130) TO CHIEF MAGISTRATE JUDGE MICHAEL R. MERZ'S REPORT AND RECOMMENDATIONS REGARDING A CERTIFICATE OF APPEALABILITY (Doc. #128) AND ADOPTING THE CHIEF MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS IN THEIR ENTIRETY

This case is before the Court pursuant to Petitioner Donald L. Palmer's ("Palmer's") Objections (doc. #130) to the Report and Recommendations of Chief Magistrate Judge Michael R. Merz (doc. #128). The Report and Recommendations addresses Palmer's request for a certificate of appealability.

Chief Magistrate Judge Merz's Report and Recommendations was filed on October 2, 2006, and Palmer's Objections were filed on October 16, 2006. The Warden did not file Objections to the Report and Recommendations but did file a Memorandum In Opposition to Palmer's Objections. (Doc. #132.)

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court finds

that Palmer's objections to the Chief Magistrate Judge's Report and Recommendations are not well-founded and are OVERRULED.

Accordingly, the Chief Magistrate Judge's Report and Recommendations is ADOPTED in its entirety. A certificate of appealability is granted on Palmer's Grounds for Relief 3.5, 3.19, 3.20, 4 and 6. Palmer's Motion for a Certificate of Appealability is otherwise DENIED.

DONE and **ORDERED** in Dayton, Ohio, this Eleventh day of December, 2006.

s/Thomas M. Rose
THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record